

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-19 in the application. In previous responses, the Applicants amended Claims 1-2, 6-9, 13-15 and 19 and added Claim 20. In the present response, the Applicants have amended Claims 1, 6, 8 and 14. Support for the amendment can be found in paragraphs 47 and 68 of the original specification and in the originally filed claims. Claims 1-20 are currently pending in the application.

I. Rejection of Claims 1-6, 8-12, 14-18 and 20 under 35 U.S.C. §103

The Examiner has rejected Claims 1-6, 8-12, 14-18 and 20 under 35 U.S.C. §103(a) as being unpatentable over European Patent Application Publication No. EP 0 973 117 by MacLellan in view of U.S. Patent No. 5,734,909 to Bennett. The Applicants respectfully disagree since the cited combination does not teach or suggest independent Claims 1, 8 and 14 as amended. More specifically, the cited combination of MacLellan and Bennett does not teach or suggest responding to a LOCKED indicator by waiting an amount of time proportional to twice a previous amount of time associated with the waiting before regenerating the request for the access.

As recognized by the Examiner, MacLellan does not teach or suggest configuring a client to respond an amount of time after receiving a LOCKED indicator. To cure this deficiency, the Examiner cites Bennett. (See Examiner's Action, page 2, last paragraph.) Bennett relates to resource allocation in distributed computer processing systems. (See column 1, lines 9-12.) Bennett discloses a server instructing a client to submit a request for access to a resource at a later time when the resource is currently locked. (See column 2, lines 38-45.) The Applicants do not find, however, where Bennett teaches or suggests waiting an amount of time proportional to twice

a previous amount of time associated with the waiting before regenerating a request as recited in amended Claims 1, 8 and 14. As such, the cited combination of MacLellan and Bennett does not provide a *prima facie* case of obviousness of amended independent Claims 1, 8 and 14 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the rejection of Claims 1-6, 8-12, 14-18 and 20 under 35 U.S.C. §103(a) and issue allowance thereof.

II. Rejection of Claims 7, 13 and 19 under 35 U.S.C. §103

The Examiner has rejected Claims 7, 13 and 19 under 35 U.S.C. §103(a) as being unpatentable over MacLellan in view of Bennett and in further view of U.S. Patent No. 6,704,873 to Underwood. As discussed above, the cited combination of MacLellan and Bennett does not provide a *prima facie* case of obviousness of amended independent Claims 1, 8 and 14. Underwood has not been cited to cure the deficiencies of MacLellan and Bennett but to teach digital signature services. (See Examiner's Action, page 3.) The cited combination, therefore, does not provide a *prima facie* case of obviousness for amended independent Claims 1, 8 and 14 and Claims dependent thereon. Additionally, dependent Claims 7, 13 and 19 include the limitation **independent of digital signatures**, instead of digitally signing client request as asserted by the Examiner. Thus, Underwood does not appear to be applicable to Claims 7, 13 and 19. Accordingly, the Applicants respectfully request the Examiner withdraw the rejection of dependent Claims 7, 13 and 19 under 35 U.S.C. §103(a) and issue allowance thereof.

III. Comment on Cited References

The Applicants reserve further review of the references cited but not relied upon if relied upon in the future.

IV. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink, appearing to read "J. Joel Justiss", with a stylized flourish at the end.

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